

COFFY AUTHORITY.

ACT 5.

AN ACT RELATING TO THE GIVING OF NOTICE BY PUBLICATION, AMENDING AND REPEALING CERTAIN FORMER LAWS UPON THAT SUBJECT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 1104, 1123, 231 and 1252 of the Civil Code (Civil Laws, Secs. 1221, 1240, 1304 and 1836), Section 4 of Chapter XLI of the Laws of 1870 (Civil Laws, Sec. 1933) and all other laws, if any, relating to the giving of notice by publication, in which the words "in the Government Gazette" or the words "in the Government Gazette and Ke Au Okoa," or their equivalent occur, are hereby amended by striking out such words and inserting in lieu thereof the words "in a newspaper or newspapers suitable for the advertisement of notices of judicial proceedings."

SECTION 2. Chapter XXXVI of the Laws of 1892 (Civil Laws, Sec. 1153) is hereby repealed.

SECTION 3. This Act shall take effect on the day of its approval.

Approved this 30th day of March, A. D. 1903.

SANFORD B. DOLE,
Governor of the Territory of Hawaii.

ACT 6.

AN ACT TO AMEND CERTAIN LAWS RELATING TO THE DESERTION OF MARRIED PERSONS FROM ONE ANOTHER.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter LVI of the Penal Code, Chapter XXXIV of the Laws of 1876, Chapter XIV of the Laws of 1878, Chapter LXIX of the Laws of 1888, and Chapter XXXVI of the Laws of 1890 (Penal Laws, Chapter 56), all relating to the desertion of married persons from one another are hereby repealed.

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 30th day of March, A. D. 1903.

SANFORD B. DOLE,
Governor of the Territory of Hawaii.

ACT 7.

AN ACT TO AMEND SECTIONS 5 AND 6 OF CHAPTER XLI OF THE LAWS OF 1870 (PENAL LAWS, SECTIONS 1398, 1399) RELATING TO INDUSTRIAL AND REFORMATORY SCHOOLS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 5 of Chapter 41 of the laws of 1870 (Penal Laws, Section 1398), relating to industrial and reformatory schools, is hereby amended so as to read as follows:

"SECTION 5. The District Magistrates, Circuit Courts and Circuit Judges are hereby authorized to commit all offenders duly convicted before them, under fifteen years of age, to said industrial or reformatory schools, in all cases where they shall deem such sentence to be more suitable than the punishment otherwise authorized by law."

SECTION 2. Section 6 of said Chapter (Penal Laws, Section 1399) is hereby amended so as to read as follows:

"SECTION 6. The said District Magistrates, Circuit Courts and Circuit Judges, on the representation of any member of the Board of Education, its agents, the Attorney-General or his authorized deputy, the High Sheriff or his deputy, or the Sheriff or Deputy Sheriff of any Island, shall have power to hear and determine any case, and to sentence for any term within their minority to some industrial and reformatory school, any child under fifteen years of age, who lives an idle or dissolute life, whose parents are dead, or, if living, from drunkenness of other vices or causes, shall neglect to provide suitable employment for, or exercise salutary control over such child."

SECTION 3. This Act shall take effect on the day of its approval.

Approved this 30th day of March, A. D. 1903.

SANFORD B. DOLE,
Governor of the Territory of Hawaii.

ACT 8.

AN ACT RELATING TO THE JURISDICTION OF DISTRICT MAGISTRATES AND CIRCUIT JUDGES, REPEALING CERTAIN LAWS AND AMENDING OTHERS BY STRIKING OUT PORTIONS THEREOF AS BEING UNNECESSARY OR OF DOUBTFUL VALIDITY OR OF DOUBTFUL CONSISTENCY WITH OTHER LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following laws and parts of laws are hereby repealed:

Section 27 of Chapter LXV of the Laws of 1886 (Penal Laws, Sec. 362);

Section 11 of Act 21 of the Laws of the Provisional Government, (Penal Laws, Sec. 398);

Section 14 of Chapter CVIII of the Laws of 1892 (Penal Laws, Sec. 421);

An Act of July 28, 1860, (Penal Laws, Secs. 587, 588);

Section 9 of Chapter LII of the Penal Code (Penal Laws, Sec. 594);

Section 5 of Act 64 of the Laws of 1896 (Penal Laws, Sec. 694);

Section 3 of Chapter LXII of the Laws of 1890 (Penal Laws, Sec. 788);

Section 1 of Chapter IX of the Laws of 1870 (Penal Laws, Sec. 881);

Section 24 of Act 17 of the Laws of the Provisional Government, (Penal Laws, Sec. 1044);

Section 8 of Chapter XVI of the Laws of 1886 (Penal Laws, Sec. 1085);

Chapter 5 of the Laws of 1886 (Penal Laws, Sec. 1098);

The last clause of Section 13 and last two clauses of Section 14 of Chapter XLI of the Laws of 1870 (Penal Laws, Secs. 1406, 1407);

Section 27 of Chapter XLVII of the Laws of 1892 (Penal Laws, Sec. 1437);

Section 396 of the Civil Code (Penal Laws, Sec. 1461);

Section 3 of Chapter 11 of the Laws of 1872 (Penal Laws, Sec. 1465);

The first paragraph of Section 6 of Act 8 of the Laws of 1894-1895 (Penal Laws, Sec. 1495);

Section 5 of Act 41 of the Laws of the Provisional Government (Penal Laws, Sec. 1531);

Section 11 of Act 33 of the Laws of the Provisional Government (Penal Laws, Sec. 1544);

The last clause of Section 7 of Chapter XXVIII of the Laws of 1880 (Penal Laws, Sec. 1668);

The last clause of Section 8 of Chapter XXXIV of the Laws of 1882 (Penal Laws, Sec. 1680);

Section 26 of Chapter XXIX of the Laws of 1878 (Civil Laws, Sec. 555);

The last clause of Section 2 of Chapter LXXIV of the Laws of 1892 (Civil Laws, Sec. 898);

The last sentence of Section 10 of Chapter XLIII of the Laws of 1890 (Civil Laws, Sec. 2040);

And Section 11 of Act 34 of the Laws of 1898.

SECTION 2. The following laws are hereby amended by striking therefrom wherever found the following phrases:

"before any district magistrate," "before any district court," "in any district court," "in the discretion of the district magistrate," "at the discretion of the district magistrate," "before any district magistrate of the Island of Oahu," "before the district magistrate of the district of Honolulu," "before the district magistrate of Honolulu," "to the district magistrate," "to the nearest district magistrate," and similar or equivalent phrases, each of the words "a" and "the" being deemed for the purposes of this Act equivalent to the word "any" and the word "police" and "justice" to the words "district" and "magistrate" respectively in such similar phrases.

SECTION 3 of Chapter XLIII of the Laws of 1880 (Penal Laws, Sec. 223);

Section 2 of Chapter I of the Laws of 1892 (Penal Laws, Sec. 224, last paragraph);

Section 2 of Chapter XXVIII of the Laws of 1892 (Penal Laws, Sec. 225, last paragraph);

Sections 1, 2 and 3 of Chapter LXIX of the Laws of 1890 (Penal Laws, Secs. 293, 294, 295);

Section 2 of Chapter IV of the Laws of 1872 (Penal Laws, Sec. 323);

Section 1 of Chapter XLVII of the Laws of 1884 (Penal Laws Sec. 367);

Chapter XXXVII of the Laws of 1882 (Penal Laws, Sec. 369);

Section 1 of Chapter XXIII of the Laws of 1870 (Penal Laws, Sec. 404);

Section 42 of Chapter XLIV of the Laws of 1882 (Penal Laws, Sec. 463);

Section 6 of Chapter LXVII of the Laws of 1888 (Penal Laws, Sec. 471);

Section 5 of Chapter LXXII of the Laws of 1886 (Penal Laws, Sec. 476);

Section 14 of Chapter LV of the Penal Code (Penal Laws, Sec. 810);

Sections 4 and 5 of Chapter XXVIII of the Laws of 1886 (Penal Laws Sec. 825-6);

Section 3 of Chapter XXXV of the Laws of 1887 (Penal Laws Sec. 836);

Sections 1 and 2 of Chapter XXVIII of the Laws of 1890 (Penal Laws, Secs. 845, 846);

Section 2 of Chapter LVII of the Penal Code (Penal Laws, Sec. 857);

Section 4 of Chapter XXV of the Laws of 1876 (Penal Laws, Sec. 867);

Section 20 of Act 50 of the Laws of 1896 (Penal Laws, Sec. 971);

Section 5 A of Chapter LXII of the Penal Code as enacted by Chapter XXXIII of the Laws of 1870 (Penal Laws, Sec. 992);

Section 1 of LXVI of the Laws of 1892 (Penal Laws, Sec. 996);

Section 3 of Chapter LXXIV of the Laws of 1888 (Penal Laws, Sec. 998);

Section 2 of Chapter LXXIX of the Laws of 1890 (Penal Laws, Sec. 1002);

Section 2 of Act 30 of the Laws of the Provisional Government (Penal Laws, Sec. 1004);

Section 2 of Chapter XLVIII of the Laws of 1888 (Penal Laws, Sec. 1005);

Section 4 of Chapter XVIII of the Laws of 1888 (Penal Laws, Sec. 1338);

Section 2 of Act 55 of the Laws of 1896 (Penal Laws, Sec. 1340);

Chapter XLI of the Laws of 1882 (Penal Laws, Sec. 1341);

Sections 2, 4 and 5 of an Act of December 30, 1864 (Penal Laws, Secs. 1343, 1344, 1345);

Section 1 of Act 37 of the Laws of the Provisional Government (Penal Laws Sec. 1349);

Section 43 of Act 57 of the Laws of 1896 (Penal Laws, Sec. 1393);

Sections 6, 7 and 8 of Chapter LXXV of the Penal

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(Penal Laws, Secs. 1425, 1426, 1427);

Section 20 of Chapter XXXV of the Laws of 1888 (Penal Laws, Sec. 1446);

Section 1 of Act 39 of the Laws of the Provisional Government (Penal Laws, Sec. 1447);

Section 3 of Chapter LVIII of the Laws of 1888 (Penal Laws Sec. 1467);

Sections 1, 2 and 4 of Chapter LXXXV of the Penal Code (Penal Laws Secs. 1469, 1470, 1472);

Section 1 of Chapter XIII of the Laws of 1870 (Penal Laws Sec. 1471);

Section 2 of Act 4 of the Laws of 1895 (Penal Laws Sec. 1476);

Section 1 of Chapter XLVIII of the Laws of 1892 (Penal Laws Sec. 1487);

Section 1 of Chapter XXII of the Laws of 1878 (Penal Laws Sec. 1510);

Sections 7 and 8 of Chapter LXXXIX of the Penal Code (Penal Laws Secs. 1514, 1515);

Section 7 of Chapter 2 of the Laws of 1890 (Penal Laws Sec. 1607);

Section 2 of Chapter XXX of the Laws of 1876 (Penal Laws Sec. 1611);

Section 1 of Act 35 of the Laws of 1898;

Section 34 of Act 39 of the Laws of 1898;

Section 5 of Act 43 of the Laws of 1898;

Section 4 of Act 51 of the Laws of 1898;

And Section 4 of Act 54 of the Laws of 1898.

SECTION 3. This act shall take effect on the day of its approval.

Approved this 30th day of March, A. D. 1903.

SANFORD B. DOLE,
Governor of the Territory of Hawaii.

ACT 9.

AN ACT RELATING TO WAIVER OF TRIAL BY JURY IN CRIMINAL CASES LESS THAN FELONY.

Be it enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The defendant in any criminal case less than felony may with the consent of the court waive the right to a trial by jury either by written consent filed in court or by oral consent in open court entered on the minutes. Any case in which a trial by jury is waived as aforesaid may be tried by the court without a jury both as to the facts and the law at any time in term or in vacation, and when such trial shall have been had there shall be no further trial upon the facts except upon the granting of a new trial according to law.

SECTION 2. The last paragraph of Section 68 of Chapter LVII of the Laws of 1892 as amended by Act 54 of the Laws of 1896 (Civil Laws, Sec. 1431), relating to waiver of trial by jury in certain criminal cases, is hereby repealed.

SECTION 3. This act shall take effect on the day of its approval.

Approved this 30th day of March, A. D. 1903.

SANFORD B. DOLE,
Governor of the Territory of Hawaii.

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